

**REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Applicant acknowledges with appreciation the telephone interview conducted between the Examiner and Applicant's representative on March 9, 2004.

Upon entry of this amendment, claims 13-17, 30-34, and 42-29 will be pending. By this amendment, claims 13, 30, and 42 have been amended, and new claims 47-49 have been added.

**§103 Rejection of Claims 13-17, 30-34 and 42-46**

On Page 2 of the Final Office Action, the Examiner has rejected claims 13-17, 30-34 and 42-46 under 35 U.S.C. §103(a) as being unpatentable over Alcorn (U.S. Patent 6,104,815; hereinafter referred to as "Alcorn '815") in view of Alcorn (U.S. Patent 5,643,086; hereinafter referred to as "Alcorn '086") and further in view of Arbaugh et al (U.S. Patent 6,185,678; herein after referred to as "Arbaugh"). This rejection is respectfully traversed below.

Regarding claim 30, as shown above, claim 13 has been amended and calls for:

30. (Previously Presented) An entertainment system comprising:  
    an entertainment apparatus having a function to execute a program; and  
    a portable information terminal detachably connected to said entertainment apparatus and having an interface for being electrically connected to said entertainment apparatus;  
    said portable information terminal comprising:  
    illegal copying prevention means for periodically determining whether legitimate information has been downloaded from said entertainment apparatus or not, and if legitimate information has not been downloaded, making ineffective at least control inputs entered into said portable information terminal,  
    said illegal copying prevention means comprising:

identification determining means for determining whether a source medium identification code is a predetermined source medium identification code or not;

wherein said source medium identification code identifies a source medium containing at least one game program executable in said portable information terminal,

wherein said source medium identification code has been downloaded to said portable information terminal from said source medium through said entertainment apparatus, and

wherein one or more game programs of said at least one game program stored on said source medium has been downloaded from said source medium through said entertainment apparatus and stored in said portable information terminal.

Accordingly, in one aspect of claim 30, a game program stored on the source medium is downloaded to the portable information terminal from the source medium through the entertainment apparatus. In addition, the source medium identification code identifies the source medium storing the game program downloaded to the terminal and that code is downloaded to the terminal from the source medium through the entertainment apparatus.

Considering the Examiner's rejection of claim 30 on Pages 2 and 3 of the Final Office Action as applied to amended claim 30, it does not appear that the arguments presented by the Examiner in rejecting claim 30 over the cited combination of references (Alcorn '815, Alcorn '806, and Arbaugh) would establish how the cited combination shows or suggests amended claim 13. In particular, it does not appear that the cited combination, as referenced by the Examiner, shows or suggests the use of a game program (e.g., downloading a game program executable by the terminal to the terminal from the source medium through the entertainment apparatus) and the use of a source medium identification code (e.g., downloading the code to the terminal from the source medium through the apparatus) as called for in amended claim 30.

Accordingly, it does not appear that the present rejection establishes how the cited combination of Alcorn '815, Alcorn '086 and Arbaugh, as referenced by the Examiner in

rejecting claim 30, shows or suggests at least these aspects of amended claim 30, and so it is submitted that the present rejection does not establish how the cited combination of Alcorn '815, Alcorn '086 and Arbaugh shows or suggests amended claim 30 as a whole. Claims 31-34 and 48 depend from claim 30, and it is also submitted that the present rejection does not establish how the cited combination of Alcorn '815, Alcorn '086 and Arbaugh shows or suggests claims 31-34 and 48, through their dependence on claim 30. Similar arguments apply to claims 13 and 42, and so to claims 14-17 and 47 that depend from claim 13, and to claims 43-46 and 49 that depend from claim 42.

Based upon the foregoing, it is submitted that claims 13-17, 30-34 and 42-46 are not anticipated by nor rendered obvious by the teachings of Alcorn '815, Alcorn '086 and Arbaugh as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 13-17, 30-34 and 42-46 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### New Claims

New claims 47-49 depend from claims 13, 30, and 42, respectively. As discussed above, it is submitted that the rejections of claims 13, 30, and 42 have been overcome. Therefore, it is submitted that claims 47-49 should be allowable.

**CONCLUSION**

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 13-17, 30-34, and 42-49 is respectfully solicited.


In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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